



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Severn Companies, Inc.--Request for
Reconsideration
File: B-231668.2
Date: September 28, 1988

DIGEST

Protester that filed earlier protest with the General Services Administration Board of Contract Appeals may not elect to file subsequent protest involving the same procurement with the General Accounting Office.

DECISION

Severn Companies, Inc., protests certain actions taken under request for proposals (RFP) No. DADA15-87-R-0012, issued by the Walter Reed Army Medical Center, Department of the Army, for a professional administration support system (PASS).

Severn contends that the Army's June 13, 1988, deadline for revised proposals did not give Severn the opportunity and time to revise its proposal. Moreover, Severn contends that the Army failed to provide it with sufficient information for Severn to understand the Army's notice of deficiencies in Severn's proposal. Additionally, Severn asserts that the Army is incorrect in stating that Severn's initial response under the procurement had not satisfactorily addressed the requirements of the Army's revised RFP.

Severn had earlier protested various alleged improprieties in the conduct of this procurement to the General Services Administration Board of Contract Appeals (GSBCA) and the board granted Severn's protest and directed the Army to take certain remedial actions. See Severn Companies, Inc., et al., GSBCA Nos. 9344-P, 9363-P, Feb. 9, 1988. Severn alleges here that although the GSBCA's decision directed the Army to take certain remedial action, i.e., to conduct this procurement in accordance with its delegation of procurement authority and applicable statutes and regulations and to amend the solicitation to clarify the evaluation factors and relative importance given to each, the Army has failed to comply with the board's decision. Severn now protests the

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alleged improprieties in the Army's actions taken after the GSBICA's decision.

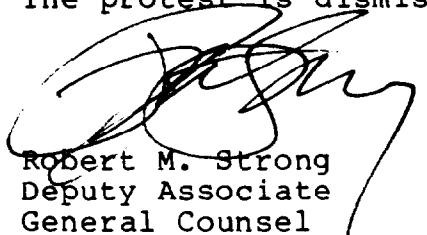
The Army has urged our Office to dismiss this protest for several reasons. Among those is the argument that the present protest is so intertwined with the board decision that it amounts to an effort by the protester to have our Office provide relief to the protester for what it feels is an improper implementation of the board's decision.

Severn denies that GAO is not the proper forum to decide this protest since it is Severn's position that the present protest is based on facts which arose after the earlier protest to the board.

We agree with the Army that this protest should be dismissed. It was the board's decision that the Army reopen negotiations and ". . . conduct this procurement in accordance with applicable statute and regulations" It is the essence of Severn's protest that the Army has failed to follow applicable statutes and regulations respecting the conduct of negotiated procurements for which Severn seeks relief. Severn has not alleged that it is prevented from seeking relief from the board, merely that "litigating protest disputes before that forum can be quite expensive."

The Competition in Contracting Act of 1984 (CICA), 31 U.S.C. § 3552 (Supp IV 1986), clearly provides that an interested party who has filed a protest with the GSBICA under section 111(h) of the Federal Property and Administrative Services Act of 1949 (the Brooks Act), 40 U.S.C. § 759(f) (Supp IV 1986), may not protest to our Office with respect to that procurement. TAB, Inc., B-225485, Dec. 3, 1986, 66 Comp. Gen. , 86-2 CPD ¶ 639. R.B. Travel, Inc.--Reconsideration, B-226633.2, May 14, 1987, 87-1 CPD ¶ 514. Since Severn's protest here involves the same procurement under which it had earlier filed a protest at the GSBICA and the issues arise from the alleged failure of the Army to take appropriate corrective action pursuant to the GSBICA decision on Severn's protest, we decline to hear this protest. 4 C.F.R. § 21.2(m)(6) (1988).

The protest is dismissed.



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